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July 22, 2014

United States Attorney
Eastern District of New York
610 Federal Plaza
Central Islip, NY 11722
Attn: AUSA Saritha Komatireddy

RE: United States v. Philip Kenner & Tommy C. Constantine
Docket Number: 13-CR-607 (JFB)

Dear Ms. Komatireddy:

As I prepare subpoenas for the production of documents on behalf of my client pursuant to F.R.Crim.P 17(c)(1), it is necessary the I confirm the identity and current address of each “John Doe” as listed in the indictment. Based on my investigation to date, I believe that I have identified each “John Doe” but require a current address inasmuch as the United States Marshall will be serving the subpoenas for the production of documents and an accurate current address will facilitate timely and effective service.

My client’s entitlement to compulsory process in defense of the matter is beyond dispute. As a procedural matter, please consider the instant request as a demand for a bill of particulars as relates to the identity and current address of each “John Doe/Jane Doe”. Recently, the Second Circuit noted in the context of a prosecution pursuant to 18 U.S.C § 1028A that the name of the victim, though not required in the indictment, may be sought by way of a demand for a bill of particulars. United States v. Stringer, 730 U.S. 120, 127 (2nd Cir. 2013). Here, of course, the underlying charges involve mail and wire fraud and the identity of the alleged victim is necessary to enable the defendant to prepare for trial. See United States v. Davidoff, 845 F.2d 1151, 1154 (2nd Cir. 1988).

I have chosen not to identify each “John Doe” is this ECF filed letter. Similarly, I anticipate that your response will be mailed directly to my office without an ECF filing, assuming that you accede my demand. In the event that you respond otherwise, kindly file your response on ECF so as to complete the underlying record in the matter. Given the length of time permitted by Judge Bianco since the last court appearance to complete pre-trial discovery, your prompt attention to this demand is appreciated.

Very truly yours,

Richard D. Haley

RICHARD D. HALEY